

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

TIMOTHY LEE ROBERTS

§

VS.

§

CIVIL ACTION NO. 1:09cv560

REGINALD GOINGS

§

MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Timothy Lee Roberts, proceeding *pro se*, filed the above-styled action.

The court heretofore ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends this action be dismissed for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence.

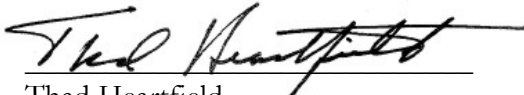
However, plaintiff subsequently filed a motion requesting that this action be dismissed. Plaintiff is entitled to voluntarily

dismiss his claims in this case prior to the service of any adverse parties. FED. R. CIV. P. 41(a)(1).

O R D E R

Accordingly, plaintiff's motion for voluntary dismissal is hereby **GRANTED**. The report of the magistrate judge is partially **ADOPTED** with regards to dismissing this action. A final judgment will be entered dismissing this case without prejudice pursuant to Rule 41(a)(1).

SIGNED this the **13** day of **October, 2009**.


Thad Heartfield
United States District Judge